

EXHIBIT A

156:16 THE WITNESS: I recall that, yes.

158 156:18 -156:23 Ashley, Demetra 2021-03-11 00:00:17 01:10:13 00:28:32

156:18 Q. And some of the conduct at those CVS and
156:19 Walgreens stores were investigated, and the subject
156:20 of enforcement actions brought against those
156:21 companies by the DEA.
156:22 Without going into details, isn't that
156:23 true?

159 157:10 -157:10 Ashley, Demetra 2021-03-11 00:00:00 01:10:30 00:28:15

157:10 THE WITNESS: I am aware of that, yes.

160 159:7 -159:16 Ashley, Demetra 2021-03-11 00:01:00 01:10:30 00:28:15

159:7 Q. I asked you earlier, in general, that when
159:8 the DEA files and proceeds with enforcement actions
159:9 against the pharmacies, including these defendants,
159:10 whether there is information published about those
159:11 enforcement -- that conclusions of those enforcement
159:12 actions published by the DEA in the Federal
159:13 Register.
159:14 Do you remember my question about that?
159:15 A. I do.
159:16 Q. If you would pull out P-OD-WAG-00248.

161 159:24 -160:3 Ashley, Demetra 2021-03-11 00:00:11 01:11:30 00:27:15

159:24 MR. WEINBERGER: This is Exhibit 6,
159:25 Plaintiffs' Exhibit 6.
160:1 (Plaintiff Exhibit 6 was marked
160:2 for identification.)
160:3 MR. WEINBERGER: Thanks for reminding me.

162 160:5 -160:8 Ashley, Demetra 2021-03-11 00:00:22 01:11:41 00:27:04

160:5 Q. This is -- this is a settlement agreement
160:6 between the federal government and CVS from 2015,
160:7 and I just want to -- first of all, are you familiar
160:8 with the settlement agreement, the document itself?

163 160:13 -160:14 Ashley, Demetra 2021-03-11 00:00:07 01:12:03 00:26:42

160:13 THE WITNESS: I'm familiar with the
160:14 settlement agreement with CVS.

 Defense

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164 **160:16-161:23** Ashley, Demetra 2021-03-11 00:02:05 01:12:10 00:26:35

160:16 Q. Okay. And I'm not going to ask you about
 160:17 details of the investigation because that's
 160:18 off-limits for me today.
 160:19 But if you look at Page 3 of the
 160:20 agreement, Paragraph K, it says here, "CVS
 160:21 acknowledges that certain CVS/pharmacy retail stores
 160:22 did dispense certain controlled substances in a
 160:23 manner not fully consistent with their compliance
 160:24 obligations under the CSA and its implementing
 160:25 regulations."
 161:1 Do you see that?
 161:2 A. I do.
 161:3 Q. And if you go back to Page 2, Paragraph G,
 161:4 it says, "CVS" -- and this is the corporation CVS,
 161:5 right?
 161:6 A. Yes.
 161:7 Q. Not some individual pharmacist, right?
 161:8 A. Correct.
 161:9 Q. It says, "CVS acknowledges that it has a
 161:10 corresponding responsibility to dispense only those
 161:11 prescriptions that have been issued for a legitimate
 161:12 medical purpose by an individual practitioner acting
 161:13 in the usual course of professional practice and
 161:14 that knowingly filling a prescription not in the
 161:15 usual course of professional practice [sic] or in
 161:16 legitimate and authorized research subjects CSA --
 161:17 CVS to penalties under the CSA."
 161:18 Did I read that correctly?
 161:19 A. Yes.
 161:20 Q. And the Department of Justice issued a
 161:21 press release about this settlement, and we will
 161:22 pull that out. It's P-GEN-00221.
 161:23 A. I have it.

165 **162:1-162:10** Ashley, Demetra 2021-03-11 00:00:38 01:14:15 00:24:30

162:1 (Plaintiff Exhibit 7 was marked
 162:2 for identification.)
 162:3 BY MR. WEINBERGER:
 162:4 Q. So this is from the Department of Justice
 162:5 website.
 162:6 A. Yes.

 Defense

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162:7 Q. And this is a report of the settlement we
 162:8 just looked at. The United States reached a
 162:9 \$22 million settlement agreement with CVS for the
 162:10 unlawful distribution of controlled substances.

166 **162:14 -162:15** Ashley, Demetra 2021-03-11 00:00:03 01:14:53 00:23:52
 162:14 Q. Have I read that correctly?
 162:15 A. Yes.

167 **162:20 -163:8** Ashley, Demetra 2021-03-11 00:00:35 01:14:56 00:23:49
 162:20 Q. Look at the -- on the first paragraph, the
 162:21 last line that says, "CVS." "CVS further
 162:22 acknowledged"?
 162:23 A. Yes.
 162:24 Q. It says, "CVS further acknowledged that
 162:25 certain of its retail stores dispensed certain
 163:1 controlled substances in a manner not fully
 163:2 consistent with their compliance obligations under
 163:3 the Controlled Substances Act and related
 163:4 regulations."
 163:5 Have I read that correctly?
 163:6 A. Yes.
 163:7 Q. Did you have knowledge of that occurring
 163:8 when you were at the DEA?

168 **163:12 -163:14** Ashley, Demetra 2021-03-11 00:00:10 01:15:31 00:23:14
 163:12 Q. I'm sorry, did you have knowledge of this
 163:13 settlement at the time, not the investigation, of
 163:14 this settlement?

169 **163:18 -163:23** Ashley, Demetra 2021-03-11 00:00:29 01:15:41 00:23:04
 163:18 THE WITNESS: Yes, I had knowledge of it.
 163:19 MR. WEINBERGER: And if you look at
 163:20 P-GEN-00222, we will mark that as Exhibit 8.
 163:21 (Plaintiff Exhibit 8 was marked
 163:22 for identification.)
 163:23 THE WITNESS: I have it.

170 **163:25 -164:22** Ashley, Demetra 2021-03-11 00:01:32 01:16:10 00:22:35
 163:25 Q. This is a -- this is from the Department
 164:1 of Justice website announcing an \$8 million
 164:2 settlement with CVS for the unlawful distribution of

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164:3 controlled substances in 2016. And it says here --
 164:4 there's a number of comments from the U.S. Attorney
 164:5 who was in charge of this enforcement action, but
 164:6 look at the last paragraph on the first page.
 164:7 It says, "According to the settlement
 164:8 agreement, CVS acknowledged that between 2008 and
 164:9 2012 certain CVS pharmacy stores in Maryland
 164:10 dispensed controlled substances, including
 164:11 oxycodone, fentanyl, and hydrocodone, in a manner
 164:12 not fully consistent with their compliance
 164:13 obligations under the CSA and related regulations.
 164:14 This included failing to comply with a pharmacist's
 164:15 liability to ensure the controlled substance
 164:16 prescriptions were issued for a legitimate medical
 164:17 purpose. Caps off an investigation that was part of
 164:18 the DEA's crackdown on prescription drug abuse in
 164:19 Maryland."
 164:20 So this was CVS acknowledging their
 164:21 obligations and responsibilities, not some
 164:22 pharmacist for CVS, right?

171 **165:2-165:7** Ashley, Demetra 2021-03-11 00:00:20 01:17:42 00:21:03
 165:2 Q. Well, you were familiar with this
 165:3 settlement, right?
 165:4 A. Yes, I'm familiar with the settlement.
 165:5 Q. And the Department of Justice's
 165:6 description of the settlement that I just read is
 165:7 consistent with your understanding of it, correct?

172 **165:10-165:11** Ashley, Demetra 2021-03-11 00:00:09 01:18:02 00:20:43
 165:10 Q. Personal understanding.
 165:11 A. Yes.

173 **165:20-166:1** Ashley, Demetra 2021-03-11 00:00:37 01:18:11 00:20:34
 165:20 Q. This is the -- this is the agreement,
 165:21 Exhibit 9, that's referenced in that -- in the DOJ
 165:22 press release, and if you look at Page 2 of the
 165:23 agreement, Section E, just like the other agreement,
 165:24 it has CVS acknowledging that it has a corresponding
 165:25 responsibility, right?
 166:1 A. Right.

 Defense

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174 **166:15-166:18** Ashley, Demetra 2021-03-11 00:00:10 01:18:48 00:19:57

166:15 Q. All right. Then, I'll ask the former.

166:16 Does the agreement say that, that CVS is

166:17 acknowledging it has a corresponding responsibility?

166:18 A. Yes.

175 **167:5-167:17** Ashley, Demetra 2021-03-11 00:00:53 01:18:58 00:19:47

167:5 And then in Paragraph G, it says, CVS

167:6 acknowledges that these CVS/pharmacy stores

167:7 dispensed in a manner -- controlled substances in a

167:8 manner not fully consistent with their compliance

167:9 obligations and their corresponding responsibility.

167:10 Is that what the agreement says?

167:11 A. That's what it says, correct.

167:12 Q. Now, let's move to Walgreens for a moment,

167:13 Ms. Swift's client.

167:14 Are you familiar generally with the fact

167:15 that, in 2013, Walgreens agreed to pay a settlement

167:16 of \$80 million for civil penalties under the

167:17 Controlled Substances Act?

176 **167:20-167:25** Ashley, Demetra 2021-03-11 00:00:16 01:19:51 00:18:54

167:20 THE WITNESS: Yes, I'm familiar with that.

167:21 MR. WEINBERGER: Okay. Let's take a look

167:22 at P-GEN-00224. I'm going to mark this as

167:23 Exhibit 10.

167:24 (Plaintiff Exhibit 10 was marked

167:25 for identification.)

177 **168:2-168:16** Ashley, Demetra 2021-03-11 00:01:02 01:20:07 00:18:38

168:2 Q. This is the press release from the

168:3 Department of Justice.

168:4 And in this press release, at Paragraph 2,

168:5 the second paragraph, it says, "The settlement, the

168:6 largest in DEA history, resolves allegations that

168:7 the Registrants," meaning Walgreens, "committed an

168:8 unprecedented number of recordkeeping and dispensing

168:9 violations under the Act. According to documents

168:10 filed in the underlying administrative actions, the

168:11 Registrants negligently allowed controlled

168:12 substances listed as -- in Schedules II to V of the

168:13 Act, such as oxycodone and other prescription

 Defense

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168:14 painkillers, to be diverted for abuse and illegal
 168:15 black market sales."
 168:16 Did I read that correctly?

178 168:23 -169:5 Ashley, Demetra 2021-03-11 00:00:18 01:21:09 00:17:36

168:23 MR. WEINBERGER: We'll go with that.
 168:24 BY MR. WEINBERGER:
 168:25 Q. Does it?
 169:1 A. Yes, it does.
 169:2 Q. And were you generally familiar, as the --
 169:3 and personally knowledgeable about this \$80 million
 169:4 settlement of this enforcement action with
 169:5 Walgreens?

179 169:7 -169:8 Ashley, Demetra 2021-03-11 00:00:02 01:21:27 00:17:18

169:7 THE WITNESS: Yes, personally
 169:8 knowledgeable, yes.

180 169:21 -169:25 Ashley, Demetra 2021-03-11 00:00:23 01:21:29 00:17:16

169:21 Q. Well, do you know, from your own personal
 169:22 knowledge, that the Department of Justice in this
 169:23 press release had the ability -- or had allowed
 169:24 people who were reading it the ability to link to
 169:25 the Walgreens memorandum of agreement?

181 170:4 -170:6 Ashley, Demetra 2021-03-11 00:00:08 01:21:52 00:16:53

170:4 Q. Well, certainly, that's what it says on
 170:5 the document, right? That there's a link to it,
 170:6 right? And it's in a PDF form, right?

182 170:9 -170:10 Ashley, Demetra 2021-03-11 00:00:06 01:22:00 00:16:45

170:9 Q. You can answer.
 170:10 A. That's what it says, yes.

183 170:22 -171:2 Ashley, Demetra 2021-03-11 00:00:17 01:22:06 00:16:39

170:22 (Plaintiff Exhibit 11 was marked
 170:23 for identification.)
 170:24 BY MR. WEINBERGER:
 170:25 Q. It's a real thick document. It's the
 171:1 Walgreens memorandum of agreement from 2013.
 171:2 A. I have it.

Ashley, D 2021-03-11 Merged (10.19.21)

184 **171:17-171:18** Ashley, Demetra 2021-03-11 00:00:03 01:22:23 00:16:22
 171:17 Q. Just the document itself, have you seen
 171:18 this document before?

185 **171:21-171:23** Ashley, Demetra 2021-03-11 00:00:06 01:22:26 00:16:19
 171:21 Q. You can answer.
 171:22 A. Okay. Let me look at the year.
 171:23 Yes.

186 **172:25-173:4** Ashley, Demetra 2021-03-11 00:00:33 01:22:32 00:16:13
 172:25 So, Ms. Ashley, we talked about the fact
 173:1 that these pharmacy defendants have a duty to
 173:2 provide the tools to their pharmacists to prevent
 173:3 diversion, generally speaking, under 1301.71,
 173:4 correct?

187 **173:8-173:8** Ashley, Demetra 2021-03-11 00:00:01 01:23:05 00:15:40
 173:8 Q. Do you agree with that?

188 **173:11-173:11** Ashley, Demetra 2021-03-11 00:00:00 01:23:06 00:15:39
 173:11 THE WITNESS: Yes.

189 **173:13-173:17** Ashley, Demetra 2021-03-11 00:00:17 01:23:06 00:15:39
 173:13 Q. Okay. Do you believe from your experience
 173:14 at the DEA, that that includes pharmacies providing
 173:15 a work environment for their pharmacists that allows
 173:16 the pharmacists to fulfill their corresponding
 173:17 responsibility?

190 **173:19-174:2** Ashley, Demetra 2021-03-11 00:00:20 01:23:23 00:15:22
 173:19 THE WITNESS: That a pharmacy should? Is
 173:20 that what you're asking?
 173:21 BY MR. WEINBERGER:
 173:22 Q. Yes.
 173:23 A. Yeah, I agree with that.
 173:24 Q. So that would include not imposing strict
 173:25 and unreasonable time limits to fill prescriptions
 174:1 so that they can't have enough time to investigate
 174:2 red flags?

191 **174:4-174:5** Ashley, Demetra 2021-03-11 00:00:01 01:23:43 00:15:02
 174:4 THE WITNESS: Yeah, that sounds

 Defense

 Plaintiffs